

On January 29, 1942, no claimant having appeared, judgment was entered finding the product misbranded but providing that it be delivered to a charitable institution for the use of that institution.

**2738. Adulteration of canned spinach. U. S. v. 83 Cases of Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 5080. Sample No. 25729-E.)

Examination showed that this product was undergoing active chemical decomposition.

On July 3, 1941, the United States attorney for the Middle District of Alabama filed a libel against 83 cases, each containing 6 cans, of spinach at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by George F. Porbeck Brokerage Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "D and W \* \* \* Contents 6 Lbs. 2 Ozs. Spinach Packed By Dodgen & Wilson Canning Co. Barton, Ark."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2739. Adulteration of canned spinach. U. S. v. 800 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 5602. Sample Nos. 79827-E, 79828-E.)

This product had undergone chemical decomposition and was otherwise unfit for food because of its metallic and astringent taste.

On August 30, 1941, the United States attorney for the Southern District of Ohio filed a libel against 800 cases of canned spinach at Lebanon, Ohio, alleging that the article had been shipped in interstate commerce on or about June 23 and July 10, 1941, by Wilson Canning Co. from Barton, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. The article was unlabeled.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**TOMATOES AND TOMATO PRODUCTS**

Nos. 2740 to 2752 (except 2741) report actions based on the shipment of tomatoes and tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**2740. Adulteration of tomato catsup. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$100.** (F. D. C. No. 4192. Sample Nos. 29446-E, 43241-E, 47446-E, 62416-E.)

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against Fettig Canning Corporation, alleging shipment within the period from on or about October 24, 1940, to on or about May 22, 1941, from the State of Indiana into the States of Ohio, Oklahoma, and Illinois, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sunbeam Tomato Catsup Francis H. Leggett & Co. Distributors, New York, N. Y."; "Belle Isle \* \* \* Tomato Catsup \* \* \* Distributed By Collins-Dietz-Morris Co. Oklahoma City, Tulsa, Lawton"; or "Tolman's Tomato Catsup \* \* \* Distributed By \* \* \* The Warfield Company Chicago, Ill."

On April 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

**2741. Adulteration of tomato catsup and chili sauce. U. S. v. Kern Food Products, Inc. Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 5576. Sample Nos. 53224-E, 60265-E.)

These products contained worm and insect fragments.

On March 11, 1942, the United States attorney for the Southern District of California filed an information against Kern Food Products, Inc., a corporation, Los Angeles, Calif., alleging shipment on or about March 31 and May 20, 1941, from the State of California into the States of Washington and Arizona, of quantities of tomato catsup and chili sauce that were adulterated. The articles were labeled in part: "Kern's Pure Chili Sauce," or "California Club Pure Tomato Catsup."

Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On March 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

**2742. Adulteration of tomato catsup, tomato sauce, hot sauce, and canned tomatoes. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$1,300.** (F. D. C. No. 2897. Sample Nos. 56459-D, 56484-D, 56486-D, 56194-D, 56495-D, 72963-D, 92328-D, 92329-D, 92331-D, 92345-D, 92355-D, 92378-D, 92505-D, 92508-D, 9184-E, 9185-E, 9287-E, 12403-E, 12404-E, 12409-E, 12708-E, 13110-E, 13339-E, 13586-E to 13588-E, incl.)

Portions of these products contained excessive mold, other portions contained worm and insect fragments, and in the remainder both conditions were found.

On May 14, 1941, the United States attorney for the Northern District of California filed an information against Stockton Food Products, Inc., a corporation at Stockton, Calif., alleging shipment and delivery for introduction in interstate commerce within the period from on or about October 25, 1939, to on or about March 12, 1940, from the State of California into the States of Alabama, Florida, Georgia, Louisiana, Maryland, New York, Oregon, Pennsylvania, Texas, Virginia, Washington, and the Territory of Hawaii, of quantities of tomato catsup, tomato sauce, hot sauce, and canned tomatoes that were adulterated.

The articles were labeled in part: (Catsup, cans) "Much More Brand \* \* \* Tomato Catsup \* \* \* 6 Lbs. 10 Ozs. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Real Red Brand Tomato Catsup \* \* \* 6 Lb. 12 Oz.," "M S C Makes Satisfied Customers Tomato Catsup \* \* \* 6 Lbs. 12 Oz. Packed for Recorg Supply Corporation Chicago," or "Racquet Brand Tomato Catsup \* \* \* 6 Lbs. 12 Ozs. \* \* \* Harcourt Greene Co. Distributors San Francisco"; (tomato sauce, cans) "Dellford Brand Tomato Sauce \* \* \* 8 Oz. Avd. \* \* \* Middendorf & Rohrs Distributors New York," "8 Oz. U/L Tom. Sauce," "Fargo Brand Spanish Style Tomato Sauce \* \* \* 8 Oz. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Happy Home \* \* \* 7¾ Oz. Avoir. Spanish Style Tomato Sauce \* \* \* Schwabacher Bros. & Co., Inc. Seattle, Wash. Distributors," "Standby Fancy Tomato Sauce \* \* \* 7¾ Oz. Avd. Packed for Fine Foods, Inc. Seattle Minneapolis," "Royal Clover Brand Spanish Style Tomato Sauce \* \* \* 7¾ [or "8"] Oz. Avoir. \* \* \* Distributed by B. H. Rudo & Brother [or "Royal Clover Distributing Co."] Baltimore, Md.," "Red & White Brand \* \* \* Tomato Sauce \* \* \* 7¾ Oz. \* \* \* Red & White Corp'n Distributor Chicago," or "Shurfine Fancy Tomato Sauce Spanish Style \* \* \* 7¾ Ozs. \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago"; (hot sauce, cans) "Nation's Garden Brand Spanish Style Hot Sauce \* \* \* 7½ Oz. Avd. \* \* \* Packed for Fine Foods, Inc. Seattle-Minneapolis," "For All' Brand Hot Sauce \* \* \* 7½ Oz. \* \* \* Harcourt Greene Co. Distributors San Francisco, Calif.," or "Brimfull Brand Hot Sauce \* \* \* 7¾ Oz. Distributed by Kitchen Products, Inc., Chicago"; and (tomatoes, cans) "Tastewell \* \* \* Tomatoes \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy and/or decomposed substances.

On September 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, totaling \$1,300.

**2743. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases, 249 Cases, and 231 Cases of Tomato Catsup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5308, 6358. Sample Nos. 62416-E, 73464-E, 73465-E.)

Examination showed that this product contained decomposed material as evidenced by the presence of excessive mold. The bottles in one lot failed to bear a label containing the name of the product, the name and address of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

On August 8 and December 4, 1941, the United States attorneys for the Northern District of Illinois and the Western District of Oklahoma filed libels (the former was amended on October 14, 1941) against 350 cases each containing 12 bottles of tomato catsup at Chicago, Ill., and 480 cases each containing 24 bottles of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped on or about May 19 and October 15, 1941, by Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (350 cases) "All products bearing this label